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February 5, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WT Docket 02-100, ex parte communication

Dear Ms. Dortch:

The following recounts a telephone conversation with Gary Oshinsky of the Commercial Wireless Division, Wireless Telecommunications Bureau, on Monday, February 3, 2003. The County was prevented from filing yesterday because this law firm experienced a complete loss of telephone service, internet access and e-mail.

Mr. Oshinsky asked for the effective dates of the initial wireless siting ordinance provisions at issue in the docket, as well as the revisions to the initial ordinance. Earlier, the County had placed on the record an effective date of March 8, 2002, for the initial ordinance, calculated from its time of adoption by the County Council. As noted below, the March date is a week later, calculated from the signing of the legislation by the County Executive.

The first legislation, Bill 93-01, was effective 45 days from signing by County Executive. She signed January 29, 2002, making the effective date March 15, 2002. There were provisions that were made applicable to pre-existing facilities. The owners/users of those facilities were given 180 days from the effective date to comply. Counting 180 days from March 15th results in the September 11, 2002 date mentioned by several carriers. The revisions in Bill 64-02 were passed on August 19, 2002, as an emergency ordinance. It was signed by the County Executive on August 23, 2002, and became law the same day.

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Mr. Oshinsky also asked whether four wireless carriers listed as having received building permits in the period from March 2002 through early January 2003 -- AT&T, Sprint, T-Mobile (also known as Omnipoint in the permit files) and Verizon -- had filed under the procedures of the ordinance. Spurgeon R. Eismeier, Sr., County Director Inspections and Permits, responds:

The following providers have applied for and received building permits for a telecommunications facility since March 2002. This means that they have submitted non-interference certifications. AT&T had 16 permits, Omnipoint had 7 permits, Verizon had 2 permits and Sprint had 2 permits issued.¹

Mr. Eismeier continues:

Since March 2002, the following providers have made application, but have not provided all the information to get the building permits issued: AT&T has made 14 applications, Nextel has made 3 applications and Sprint has made 5 applications. *Id.*

We are unable to respond of our own knowledge to Mr. Oshinsky's question whether the four carriers previously receiving building permits based on non-interference certifications have ceased submitting such certifications. We defer to the carriers on this point.

Attached is a revised worksheet indicating that the County is no longer requiring carriers to base certifications of non-interference on the statement of "an independent consultant acceptable to" the County. For several months, the County's use of older worksheets has lined through the quoted words.²

Please direct any questions to the undersigned.

Sincerely,

James R. Hobson
Counsel to Anne Arundel County

cc: Gary Oshinsky, WTB/FCC; Linda Schuett, County Attorney; Spurgeon Eismeier, Sr.

¹ Memo to County Attorney, February 3, 2003.

² An ex parte dated January 27, 2003, from Cingular Wireless attached one of the lined-through older worksheets.

TELECOMMUNICATIONS ZONING CERTIFICATE OF USE
WORKSHEET

Dear Applicant, we are in receipt of your application for a Zoning Certificate of Use for:

The following items are necessary before a certificate can be issued:

_____ A site plan showing all improvements and compliance with zoning regulations including setbacks as specified in Article 28 (Zoning Ordinance) and Bill No. 93-01; 64-02.

_____ Certification that the use of the facility will not degrade or interfere with the county's public safety communication system.

_____ The following information:

Site Number: _____ (carrier designated) Site
Name: _____ (carrier designated)

Date Facility Constructed (if applicable): _____

ADC Map Location: _____ map #, coordinates

Entrance to Facility: _____ secured (i.e. locked gate) _____
(unsecured)

Certificate of Use Issued: _____ Yes _____ No

Special Exception/Variance Decision Number (if applicable):

Number of providers/users: _____

Configuration: _____

Transmit Frequency Range: _____ Max. Power
Range/Level: _____

Structure Type: _____ (i.e. monopole, self support, guyed, building type, etc.)

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Latitude: _____ (GPS Coordinates)
Coordinates)

Longitude: _____ (GPS

Carrier: _____

Antenna Height: _____ (Feet)

Antenna Downtilt: _____ (Degrees)

CHLS/Sector: _____ (Number of channels per sector) Sector _____ 1, 2,
3)

ERP: _____ (Measured in watts)
frequency)

Frequency: _____ (Transmit

Antenna type: _____ (Model# or description)

***Please enclose with Zoning Certificate of Use Application – Zoning Enforcement (410) 222-7446.**